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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 09/599,602 Confirmation No.: 1459
Applicant : Robert J. Rosko
Filed : June 23, 2000
Title : System and Method for Implementing a Consolidated Application Process
TC/Art Unit : 3624
Examiner: : James M. Alpert

Docket No. : 47004.000073
Customer No. : 21967

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Sir:

This paper is responsive to the Office action mailed February 10, 2005. The Office action was issued in view of applicant's appeal and request for reinstatement of appeal filed November 10, 2003, and April 20, 2004, respectively. The Office action reopened prosecution of this application. The Office action sets forth as applicant's options to avoid abandonment of the application the procedures previously set forth by 37 C.F.R. § 1.193(b)(2). Applicants note that Rule 193 was removed and reserved in the change to the rules of practice before the Board of Patent Appeals and Interferences effective on September 13, 2004. 69 Fed. Reg. 49,960.

Applicant appreciates the guidance provided during a series of telephone conversations with the Examiner and his colleagues regarding the effect of the recent changes to the rules. The Examiner acknowledges that the reference to removed Rule 193 is a technical error. However, the Examiner notes that the new rules of practice regarding *ex parte* appeals, at 37 C.F.R. § 41.30 *et seq.*, do not preclude following the procedure that was previously set forth by Rule 193. Accordingly, the Examiner suggests that applicants follow the procedures set forth by Rule 193. Applicant, however, remains hesitant to proceed under the provisions of a withdrawn rule.

Applicant agrees with the Examiner that the prior rejections are deficient and should not be advanced to the Board of Appeals and Interferences. Accordingly, the Office action to reopen prosecution and withdraw the prior rejections is appropriate. However, upon review of the new Office action, applicant believes that the evidence of record is sufficient to address the new grounds of rejection. Accordingly, under the provisions of removed Rule 193, a request for reinstatement of the appeal would be the proper course to advance this application to final disposition. This paper is in essence a request for reinstatement of the appeal. An appeal brief addressing the new grounds of rejection is submitted herewith.


As Rule 193 has been removed, applicants submit this paper as a Notice of Appeal under 37 C.F.R. § 41.31. Applicant has previously paid the appeal fee and the fee for filing a brief in support of an appeal. It is applicant's understanding that the Office in promulgating new Board Rule 31 does not propose to change the current procedures with regard to appeal fees. Accordingly, where an examiner reopens prosecution in a new Office action, new fees are not required for an applicant to appeal from the new Office action. However, should the Office determine that fees are due with this paper or the with accompanying brief, please charge any such fees to the undersigned's Deposit Account No. 50-0206.

Dated: May 6, 2005

Respectfully submitted,
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